

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 38

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Pre-filed December 16, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

3387S.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the highways and transportation commission authority to finance, construct, operate, and maintain toll facilities.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2004, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and two new sections adopted in lieu thereof, to be known as sections 30(b) and 30(d), to read as follows:

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting: the sales tax on motor vehicles and trailers[,] except as hereinafter provided[.]; **any tolls, fees, rents, and other revenue derived from toll facilities and bond holders**; and all property taxes), less the cost (1) of collection thereof, (2) of maintaining the highway related activities of the highways and transportation commission and department including any workers' compensation and retirement programs, (3) and of administering and enforcing any

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

state motor vehicle laws or traffic regulations, and less refunds and **less** that portion of the fuel tax revenue to be allocated to counties and to cities, towns and villages [under] **pursuant to** section 30(a) of Article IV of this Constitution, shall be credited to the state road fund and stand appropriated without legislative action for the following purposes, and no other:

First, to the payment of the principal and interest on any outstanding state road bonds.

Second, any balance in excess of the amount necessary to meet the payment of the principal and interest of any state road bonds for the next succeeding twelve months shall be credited to the state road fund and shall be expended under the supervision and direction of the commission for the following purposes:

(1) To complete and widen or otherwise improve and maintain the state system of highways heretofore designated and laid out under existing laws;

(2) To reimburse the various counties and other political subdivisions of the state, except incorporated cities and towns, for money expended by them in the construction or acquisition of roads and bridges now or hereafter taken over by the state as permanent parts of the system of state highways, to the extent of the value to the state of such roads and bridges at the time taken over, not exceeding in any case the amount expended by such counties and subdivisions in the construction or acquisition of such roads and bridges, except that the highways and transportation commission may, in its discretion, repay, or agree to repay, any cash advanced by a county or subdivision to expedite state road construction or improvement;

(3) In the discretion of the commission to locate, relocate, establish, acquire, construct and maintain the following:

(a) supplementary state highways and bridges in each county of the state as hereinafter provided;

(b) state highways and bridges in, to and through state parks, public areas and reservations, and state institutions now or hereafter established, and connect the same with the state highways; and also national, state or local parkways, travelways, tourways, with coordinated facilities;

(c) any tunnel or interstate bridge or part thereof, where necessary to connect the state highways of this state with those of other states;

(d) any highway within the state when necessary to comply with any federal law or requirement which is or shall become a condition to the receipt of federal funds;

(e) any highway in any city or town which is found necessary as a continuation of any state or federal highway, or any connection therewith, into and through such city or town; and

(f) additional state highways, bridges and tunnels, outside the corporate limits of

cities having a population in excess of one hundred fifty thousand, either in congested traffic areas of the state or where needed to facilitate and expedite the movement of through traffic.

(4) **For feasibility studies for toll facilities;**

(5) **For toll facility purposes authorized pursuant to section 30 (d) of this article;**

(6) **To acquire materials, equipment and buildings necessary for the purposes herein described; and**

[(5)] (7) **For such other purposes and contingencies relating and appertaining to the construction and maintenance of such highways and bridges as the highways and transportation commission may deem necessary and proper.**

2. One-half of the proceeds from the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use and shall be distributed as follows: ten percent to the counties, fifteen percent to the cities, one percent to the state transportation fund, which is hereby created to be used in a manner provided by law and seventy-four percent to the state road fund. The amounts distributed to cities and counties shall be allocated as provided in section 30(a) of this article, to be used for highway and transportation purposes.

3. Notwithstanding the provisions of subsection 1 of this section, any increase in state license fees and taxes on motor vehicles, trailers, motorcycles, mopeds and motortricycles over and above those in effect [upon adoption of this section] on January 1, 1980, shall be distributed as follows: ten percent to the counties, fifteen percent to the cities and seventy-five percent to the state road fund. The amounts distributed to cities and counties shall be allocated as provided in section 30(a) of this article, to be used for highway and transportation purposes.

Section 30(d). 1. The highways and transportation commission is authorized to finance, acquire, construct, maintain, improve, reconstruct, and operate state toll facilities authorized by the general assembly within this state, across the borders of this state and another state, and across a river or stream comprising the boundary or a portion of the boundary between this state and another state.

2. "Toll facility" includes any facility, structure, or appurtenance constructed pursuant to this section which is to be paid for in whole or in part from revenues collected from tolls, fees, rents, or other charges imposed for the use of the facility.

3. The commission shall fix and collect tolls, fees, rents, or other charges for the use of all toll facilities.

4. The commission is authorized to issue state toll facility revenue bonds or refunding bonds for state toll facilities authorized by the general assembly without the consent of any other state agency or board.

5. The commission is authorized to enter into any contract with any federal or state agency, city, county, or political subdivision, or any person or business entity, to perform any of the duties authorized by section 30(d) of this article.

6. The commission shall deposit, transfer, and credit the net proceeds derived from the sale of state toll facility revenue bonds or refunding bonds, and the interest thereon, the proceeds from all tolls, fees, rents, and other charges derived from state toll facilities (less any refunds for overpayments and erroneous payments of such tolls, fees, rents, or other revenue) and any other moneys derived from federal, state, local, or special funds to the state toll facility fund for the commission to expend such moneys solely for the state toll facility projects authorized by the general assembly. Moneys in such fund shall stand appropriated without legislative action to be expended in the sole discretion of the commission for the authorized purposes in section 30(d) of this article and no other purposes. All interest earned upon the sums within such fund shall be deposited within and to the credit of the fund.

7. The commission is authorized to transfer moneys from the state road fund to the state toll facility fund to pay the toll facility costs of performing the duties and functions authorized by this section and to finance any shortfalls in the state toll facility fund so that such fund shall meet its obligations. Such transfers shall derive only from such moneys in the state road fund in excess of the amounts necessary to make principal and interest payments on all outstanding state road bonds and refunding bonds for the next succeeding twelve months. Such transfers shall be repaid to the state road fund, in the time and manner as determined by the commission, from the state toll facility fund.

8. The commission may relocate or incorporate any public roads, highways, or bridges into the state toll facility projects authorized by the general assembly.

9. State toll facility revenue bond and refunding bond proceeds and all tolls, fees, rents, and other revenue derived from the establishment or operation of state toll facilities, shall not be deemed taxes or fees, and shall not be included as part of "total state revenues" within the meaning of sections 17 and 18 of article X of this constitution. The expenditure of these revenues shall not be considered an "expense of state government" under section 20 of article X of this constitution.